Office of the Ombudsman
British Columbia

BUDGET SUBMISSION
Fiscal 2006 – 2008

Presented
To
The Select Standing Committee on Finance and Government Services
Legislative Assembly of British Columbia

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OMBUDSMAN'S STATEMENT

Introduction

The Year 2004 marks the 25th Anniversary of the establishment of the Office of the Ombudsman in British Columbia. On July 1, 1979 Karl Friedmann was appointed as the first B.C. Ombudsman and on October 1, 1979 the office opened its doors (and more importantly, its phones) to the public. Offices were opened in both Victoria and Vancouver. There was a total staff of 34 including 16 investigative positions and 4 intake positions. From October 1, 1979 to December 31, 1980 approximately 4,200 complaints and enquiries were received.

Now, fast forward 25 years. Today we have a total staff of 32 (2 less than in 1979), including 15 investigative positions and 5.6 Intake positions. In 2003, we received approximately 9,855 complaints and enquiries. We have one public access office in Victoria. We share space in Victoria with the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner. We provide corporate support services and IT services to the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner. Although we no longer have a public access office in Vancouver, we have 6 telecommuting staff (5 investigators and 1 intake staff) in the lower Mainland. We have established a mobile intake service on the lower Mainland, traveling on a rotating basis to Abbotsford, Surrey, Port Coquitlam, Burnaby, Richmond and the North Shore. We have implemented a set of performance measurements and standards to assist us in being both efficient and effective.

We have come a long way in 25 years. Our internal organization and processes may have changed; we now have computers, Internet, on-line complaint forms, instant access to authorities and complainants through e-mail and cell phones. But in the end – the office is the same. We investigate complaints of administrative unfairness. We are society's response to problems of potential administrative abuse. Openness, fairness and accountability are core principles embraced by democratic governments. By establishing and maintaining the Office of the Ombudsman, the Legislative Assembly demonstrates its commitment to these principles.

2004 – A Short Overview

We issued our Annual Report 2003 in June. I have brought additional copies for your convenience. The Annual Report provides an opportunity for me to publicly discuss and highlight some of the major activities of our office in 2003. It also contains a number of case illustrations of the work of the office. I would draw to your attention, in particular, the cases reported on:

1. page 13, Payment of private MRI bill
2. page 14, Out-of-province adoption and MSP coverage
3. page 16, Pharmacare payment for experimental drugs

4. page 20, Unreasonable delay in debt collection by MHR
5. page 27, Changes to the Travel Assurance Board Regulations
6. page 30 & 31, Correctional Centre complaints, both systemic & case specific

In 2004, in addition to the Annual Report, we also issued two Special Reports. In February 2004, we issued Public Report No. 44 – "An Investigation into the Administration and Collection of Traffic Camera Fines" (photo radar) and in September, we issued Special Report No. 25 – "Broken Glass, Broken Trust, An Investigation into a Complaint against the City of Surrey". I regret having had to issue the latter report. In that case, the City of Surrey refused to accept a recommendation from our office early on in the investigation in respect to remedying a matter of unfairness.

In 2003, we only had 2 occasions where an authority was not prepared to accept our recommendation to address an unfairness. This is out of the 2100 files assigned to investigators and out of the 452 cases where an authority was prepared to take action to settle a complaint on the basis of our investigation. Two out of 2100 investigative files, two out of 9,855 intakes. A pretty good success rate. Further, it appears that the percentage of complaints that are meritorious is increasing. In 2003, approximately 39% were meritorious whereas to date about 50% are. This suggests that although our Intake may be decreasing, the complaints we are investigating are more likely to demonstrate some types of maladministration.

One of the areas of special interest to me is "Public Awareness" of our office. As I indicated in my 2003 Annual Report, a public survey was conducted by BC Stats on our behalf to determine the level of public awareness of our office. The survey identified that 73% of the people polled had heard of our office but only 19% knew what we actually did. In 2004, our office undertook two separate initiatives to increase public awareness.

Firstly, I continued my past practice of traveling to other areas of the Province. In June 2004, I, along with two staff, traveled to the Northwest part of the Province. We went to Prince Rupert, Terrace, Smithers, Houston, Burns Lake and Vanderhoof. We set up mini intake offices in each centre, allowing complainants to attend in person to meet with an investigator and file a complaint. I also met with various authorities in each centre; including local government staff and officials; school staff and board members, Ministry staff; hospital staff; and Colleges or University staff. I also was interviewed by local TV, radio and newspaper staff. I made presentations to the local Chamber of Commerce in Terrace, Smithers and Houston. Over the past four years, I have traveled around most of the Province from the East and West Kootenays to Prince George and Prince Rupert, to Kamloops and Kelowna and from the top of Vancouver Island at Port Hardy to Victoria. I find that these trips serve a very useful purpose. They make both the public that we serve and the Authorities that we investigate more aware of our office and the role we can play in resolving complaints of administrative unfairness. And, these trips also reinforce the fact that although our office is situated in Victoria, we serve and are concerned about the whole Province.

Secondly, in 2004, we partnered with the Knowledge Network to produce three 5-minute videos about the work of the office and some of the cases we have investigated. These three videos are being shown on the Knowledge Network as well as being accessible off of our website (www.ombudsman.bc.ca). We have also developed curriculum material for Social Studies 11 and Law 12 to use with the videos. Teachers of those subjects may choose to incorporate the videos and teaching materials into their classrooms.

It is hoped that through actions like these, a greater awareness of our office and the work we do will occur.

As indicated in the 2003 Annual Report, our Intake in 2003 was 9,855 (down from 10,280 in 2002). We closed 7,824 files at Intake and another 2,127 were closed by our investigators. We had 278 files open at the end of the year (in comparison to 361 the year before). Unfortunately, the numbers of open files in 2004 is increasing (currently at about 450). This is a signal that our staffing levels are not sufficient to keep up with the volume of complaints coming in the door (even though the volume is decreasing). My concern is that we will not continue to be able to keep our heads above water, and are beginning to see the water getting higher and higher. With the fewer staff, even the decreased volume is too much.

Finances

2004/05 saw us implement the last of the three years cuts – 20% - to reach the 35% budget reduction ($4.5 million to $3.1 million). You will recall that in December 2001, this Committee recommended a three year budget reduction of 5% (2002/03), 10% (2003/04) and 20% (2004/05). The Committee has in each of the past 2 years, confirmed this reduction. You are familiar with the steps the office has taken to achieve the targets specified, including closing the Vancouver office as a public access office, sharing space and services with the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner, reduction in staff to 32 FTEs. As previously indicated, we had to also adopt measures to control and limit our Intake. Consequently, although we have jurisdiction to investigate local government complaints and complaints about the self-regulated professions (the Law Society, the College of Physicians and Surgeons, for example), since January 2003, we have not been investigating complaints against these authorities except in very exceptional circumstances. Historically, this group of authorities represented about 10% of our caseload. In 2003, we declined to investigate over 200 complaints about these authorities (130 in respect of local government and 70 in respect of Professional Associations) which previously we would have investigated. In 2004, we also established a "Holding Queue" for complaints about Schools, Hospitals and Health Authorities, Colleges and Universities (historically this represents about 8% of the volume of our caseload). To date, we have sent in excess of 145 cases to the "Holding Queue". Initially waiting time in the Queue before assignment to an investigator was about three months, but currently it is closer to six months (a reflection of the fact that the number of investigators is too few for the case volume coming in). As I also indicated, at the end of 2003 we had 278 open files, at the end of October 2004

we had 448 open files. In effect our intake numbers exceeds our output capacity. Even with the intake restrictions we have established, the reduced number of investigators cannot deal with the number of complaints coming in the door without a backlog being created. Although our intake may be decreasing, it is not decreasing at the same rate as our diminishing resources. We need more investigative staff, at least in the short term, if we are to do our job properly, efficiently and effectively. I will come back to this point shortly.

2004/05

As a result of the measures outlined above, we were successful in meeting both our financial targets for 2002/03 and 2003/04 as well as our performance standards. For fiscal 2004/05, we are very close to being on target to meet the financial target of a 20% reduction.

At this time, it is projected that the cost of the Mobile Intake will exceed our estimated budget by approximately $5,000. The Mobile Intake visits six sites in the Lower Mainland (rather than four) and there has been a higher advertising and location cost. Further, our costs for data and voice services through CITS are running approximately $15,000 per year higher than was anticipated. Accordingly, we are seeking for 2004/05 a small increase of $20,000 in our budget of $3.1 million for the current fiscal year.

2005/06

For fiscal 05/06, the Committee had proposed a no increase/no decrease budget from 2004/05 ($3.1 million). Again, a modest increase is needed of $67,000, simply to maintain current levels of service. That is, $67,000 more is required for us to stand still and not to fall back. It is primarily made up of an expected increase in the benefits chargeback rate from 23% to 24%, increased telephone and data line costs and a known increase in occupancy charges from BCBC.

As I indicated earlier, the impact of the final 20% cut is beginning to show in the increase in the number of open files (approximately 450 as compared to 278) and the longer wait period in the "Holding Queue" as well as the continued inability to investigate local government and self-regulated profession's complaints. Although our Intake is decreasing, it is not decreasing at the same rate as our resources. Thus, for fiscal 2005/06, I would ask the Committee to make a one-time increase of $189,000 to allow us to hire two additional investigators for one year to assist in handling the caseload, to address the backlog and to assist in reducing the wait time in the Queue. Depending on workload, these two positions may also permit the creation of a Queue for the local government and self-regulated Professions category of authorities. This would be a one-time increase, which would not change our base budget. I would need to justify the amount again in 06/07 should I believe it is still required.

In addition to $189,000 for two investigators, I would also ask for a one-time increase of $35,000 to assist in the operation of the Mobile Intake in 2005/06. There are costs associated with renting space, advertising and travel costs. To

date the Mobile Intake has been very successful in reaching out to the public. It has been very well received in the areas we have visited. I would like to continue to operate it for at least one more year before making my final decisions on it. Thus, the increase for 05/06 for two additional investigators and the Mobile Intake is $224,000, a one-time increase. If additional resources or Investigators are required for 2006/07, I would need to come back to the Committee next year and make my case and convince the Committee of the need.

2006/07 and 2007/08

For fiscal 2006/07 and fiscal 2007/08, I am simply requesting maintenance of the core budget.

Thus, in summary, our financial requests are:

for 04/05 – supplemental estimate of $20,000

for 05/06 – increase of the base budget by $67,000 to $3.164 million
for 05/06 – one time increase of $224,000 – for two investigators and for the Mobile Intake

for 06/07 and 07/08 – maintain the core budget at $3.164 million

Future Considerations

There are several other matters, which I wish at this time to give a heads up to the Committee. There may be financial consequences that flow from these matters, which will be brought to the Committee's attention as required at a later date.

First, our office, along with the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner are looking at the feasibility of moving to the Voice over IP technology for our telephone and telecommunications needs. We will be doing a comprehensive cost and business analysis and if it makes sense will return to the Committee to seek additional funds.

Secondly, as I have indicated in the past, there is considerable interest in our Case Tracker System. Earlier versions of the system have been sold to other Ombudsman type offices in Canada and the United States with the revenue going to support some of the ongoing development costs of the program. We are looking at some potential opportunities involving other offices, which may require supplementary funding with offsetting external recovery of funds. A benefit of such partnering would be the ability to enhance our Systems Team to improve services and to reduce risk that arises when any member of this small team is away due to illness or vacation.

Third, an increase in the remuneration of the Provincial Court Judges has been recommended by an independent committee - the British Columbia Judges Compensation Commission. These recommendations are implemented through a process whereby the recommendations are tabled in the Legislature by the

Attorney General. The salary for my position is linked to the salary of Chief Judge of the Provincial Court. In this way, as with the Judges, there is no concern about the neutrality and impartiality of our office being impacted by contract/salary negotiations between the government and the Officers of the Legislature. It may be that as a consequence of this process, there will be a need to seek additional funds to take into account the effect of any salary adjustment.

A. OVERVIEW AND CORE BUSINESS AREAS

Overview

The role of the office is to investigate complaints from members of the public about administrative actions or decisions of authorities. The Ombudsman's office is one of the key institutions in a democracy for insuring the provision of open and accountable decision-making. The Ombudsman is an Officer of the Legislature. As such, the Office of the Ombudsman is independent of government. The Ombudsman is not an advocate for complainants or defender of authorities. Rather the Ombudsman conducts confidential and impartial investigations and will make recommendations in situations where the authority is being unfair in the conduct of its business. The Ombudsman cannot order an authority to change a decision or practice but can expose unfair actions through reports to the legislature and the public. In the vast majority of situations where some unfairness might be found to have occurred, the authority carries out actions to rectify the situation and the complaint file is closed without formal findings by the office.

The ***Ombudsman Act*** establishes jurisdiction for the Ombudsman to investigate a wide range of public authorities (see Appendix A). However the ***Ombudsman Act*** also provides the Ombudsman with discretion to determine which complaints will be investigated.

Over the period from 1999-2003 the office made significant strides in reducing the backlog of active complaints under investigation. This was carried out during a time when the budget was reduced by 35%. Fortunately, concurrent with the reduction in resources, the number of new complaints also trended downwards. The introduction of performance standards, improved information systems, and hard work of the staff produced the increase in efficiency that resulted in the lower number of active cases under investigation.

The office projected that it would be unable to continue to investigate all complaints with the reduced resources and implemented measures in 2003 and 2004 to defer certain investigations. Unfortunately despite the fact that investigation of 361 complaints has been declined due to a lack of resources and another 50 complaints are sitting in a holding queue, the trend has now reversed. The number of open files under investigation is now increasing for the first time since 1998. While the number of complaints coming to the office is still decreasing, the available investigative resources are insufficient to keep up with the incoming work.

The office has implemented a successful telecommuting model for six staff in the Lower Mainland and has conducted a pilot Mobile Intake initiative, which has been well received by the public. If funding permits this will be maintained in the coming year.

The office is providing a full range of support services including Payroll, Human Resources, Financial Management, Information Systems and Library to the

Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner.

The Case Tracking System (CTS) developed by the office continues to attract attention from other Ombudsman offices in Canada and elsewhere. Opportunities are being examined to develop revenue for the office through sale or provision of services to other offices. During 2004 the CTS was modified to meet the business needs of the Information and Privacy Commissioner and is now in operation in that office.

Core Business Areas

The Office of the Ombudsman has one Core Business Area and that is the **investigation of complaints** about the administrative decisions or actions of authorities.

B. RESOURCE SUMMARY

Current Fiscal Year - 2005

The current fiscal year budget of $3,097,000 reflects the previous decisions of the Select Standing Committee on Finance and Government Services (the "Committee"). The budget for the Office of the Ombudsman was reduced by 35% over three fiscal years with the accompanying reduction of 19 FTEs and closure of the Vancouver office.

This year, the office implemented an experimental Mobile Intake Service in the Lower Mainland. This is intended to provide an alternate and potentially better option for citizens in Greater Vancouver than existed through the previous permanent office. The service has been well received but does require some funds for providing advertising notices of the upcoming intake opportunities. To continue this for the remainder of the fiscal year, an additional $5,000 is requested. Also our costs for data and voice services through CITS are running at approximately $15,000 per year higher than anticipated.

The Committee is requested to approve supplementary funding for the current fiscal year of $20,000 to cover the projected shortfall and facilitate the continuation of the Mobile Intake Service through the rest of the fiscal year. This extra funding could be authorized when the Supplementary Spending Estimates previously recommended for the Information and Privacy Commissioner is brought forward to the Legislative Assembly for approval.

Fiscal 2006 - 2008

The Committee, in its report of December 12, 2003, recommended that the budget be set at $3,097,250 for Fiscal 2006. The Committee also stated that for planning purposes, the budget for 2007 should also be $3,097,250 but that future Committees should consider reviewing that budget. The Committee recommended that the office receive a capital budget of $65,000 in each of Fiscal Years 2005-2007.

The Committee is now requested to approve a revised base budget of $3,164,000 plus a one-time increase of $224,000 for a total of $3,388,000 in fiscal 2006, $3,164,000 in fiscal 2007 and $3,164,000 in fiscal 2008.

This request is based on maintaining core services at the current staffing level. It will also allow continuation of the Mobile Intake Service that was introduced, on a trial basis ($35,000), this year in the Lower Mainland. In addition, support for 2 investigator positions is requested for 1 year ($189,000) to address a growing backlog of complaint files and allow the office to consider complaints that are currently being placed in a holding queue due to insufficient resources.

Even without any increase to allow the continuation of the Mobile Intake Service or to augment Investigative capacity, the budget, if maintained at the level previously recommended by the Committee, would not be sufficient to

sustain the current core services. An increase of $67,000 is required in Fiscal 2006 to provide for an expected increase in the benefits chargeback rate from 23% to 24 %, increased occupancy charges and higher telephone and data line charges.

The proposed budget for Fiscal 2007 and 2008 is based on maintaining core services, but reverting back to the current level of staffing of Investigative Officers. If the volume of complaints coming into the office is not able to be brought back into balance with staff resources over the coming year, the Committee will be asked to consider approving funding for additional staff beyond the initial request for one year.

The details of the funding requests are shown on the next pages.

Future Considerations

1. Telecommunications Funding Enhancement

A business analysis is currently being conducted into the costs and options for improving telecommunications for the office (and also for the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner) using Voice over IP technology. This technology would offer much improved access to the public in the complaint Intake Process as well as improve communications ability between our Telecommuting staff and their colleagues in Victoria. If a decision is made that it would be desirable to implement this technology, a request will be brought to the committee for one time increased capital funding in the order of $150,000 and the necessary operating funds to amortize this capital investment ($50,000 per year for three years).

2. Case Tracker Business Opportunities

There is considerable interest, from other Ombudsman offices, in the Case Tracker System. Earlier versions of the system have been sold a few times in the past with the revenue going to support some of the ongoing development costs of the program. If additional opportunities materialize, that could benefit the office; a request will be brought forward for supplementary funding and offsetting external recovery of funds. Although this is clearly outside the core business purpose of the office, it is a mechanism to enhance the Systems Team so that it is not so vulnerable due to its small size.

Resource Summary

Core Business Area	2004/05 Restated Estimates	2005/06 Estimates	2006/07 Plan	2006/08 Plan
Operating Expenses ($000)				
Core Services	$3,097	$3,164*	$3,164*	$3,164*
Mobile Intake Enhancements		$35		
Increased Investigative Capacity		$189		
Subtotal	$3,097	$3,388	$3,164	$3,164
Requested Supplementary Estimate	$20			
TOTAL	$3,117	$3,388	$3,164	$3,164
Full-time Equivalents (FTE'S)				
Core Services	31	32*	32*	32*
Mobile Intake Enhancements				
Increased Investigative Capacity		2		
TOTAL	31	34	32	32
Capital Expenditures (Consolidated Revenue Fund) ($000)				
Office of the Ombudsman	$ 65	$ 65	$ 65	$ 65
TOTAL	$ 65	$ 65	$ 65	$ 65

* The increase of 1 FTE in Core Services is funded by funds transferred from the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner for services provided under the Shared Services Agreement between the offices. The budget shown for Core services is net of an increased recovery of $70,000 for this same reason.

Key Features and Service Consequences

- Maintaining core services at the same level as in fiscal 2004-05.
- Continuing the Mobile Intake service introduced on a trial basis in the Lower Mainland during 2004.
- Increasing Investigative capacity through the temporary addition of two staff to address a growing backlog of complaint files and to allow investigation of complaints now being assigned to the holding queue if possible.
- Continuation of Shared offices and Shared Services between the Office of the Ombudsman, the Office of the Information and Protection of Privacy Commissioner, and the Office of the Police Complaint Commissioner in the areas of Financial, Payroll and Systems support.
- Maintaining six positions for the Investigative and Intake functions in the Lower Mainland on a telecommuting basis.
- Using the discretion provided in the ***Ombudsman Act***, the Ombudsman will continue to decline to investigate any new complaints against Local Government Authorities and Professional Associations.
- Using the discretion provided in the ***Ombudsman Act***, continue the holding queue for new complaints about Schools and School Boards, Hospitals and Health Authorities, Colleges and Universities. If and when capacity exists to investigate some of these complaints, the files will be assigned to investigators.
- The objective continues to be to maintain high quality investigations of those complaints that are investigated but at the same time to maintain an acceptable balance in the workload to staff ratio.

C. VISION, MISSION AND VALUES

Vision

Informed by an understanding and appreciation
of the
principles, responsibilities and powers
embedded in the
Ombudsman Act,
and driven by a commitment to
justice and fair treatment of people,
The Office of the Ombudsman
strives for:

Fairness and Accountability
in
Public Administration
In
British Columbia

Mission

The mandate and function of the Office of the Ombudsman are set out in the ***Ombudsman Act***. The Ombudsman can investigate complaints about the administrative decisions or actions of authorities. Appendix A contains the Schedule of Authorities within the Ombudsman's jurisdiction.

Why we exist

- to ensure that every member of the public is treated fairly by authorities.

Who we serve

- the public
- the Legislature of British Columbia

What we do

- respond to inquiries from the public
- conduct thorough, impartial and independent investigations of complaints
- consider possible resolution of complaints
- consult with, provide reasons and make recommendations to authorities to improve administrative practices
- promote fairness in public administration

Values

These values govern the way we do our work with the public, authorities and one another. The values are intended to be consistent with the principles of natural justice and administrative fairness, the Ombudsman Act, the Canadian Charter of Rights and Freedoms and relevant international covenants, treaties and agreements.

Respect

Treating everyone with courtesy, dignity and respect.

Leadership

Promoting fairness, equity, clarity, innovation and consistency.

Equality

Promoting equality, inclusion and access for all persons.

Continuous Learning

Encouraging and valuing continuous learning.

Cooperation

Using cooperation, empathy and goodwill in our work.

Teamwork

Valuing the diversity of experience and talent of people who have a unity of purpose and commitment to success.

Integrity

Being independent, impartial and honest.

Accountability

Performing our duties in a timely, responsive and responsible manner, and measuring and reporting on our work goals

D. GOALS, OBJECTIVES, STRATEGIES, AND RESULTS

These four goals are the long-term results we want to achieve in fulfilling the mandate of the office. For each goal, a description is provided to enable a better understanding of what is meant by each of them.

- **Thorough and Impartial Investigations**
- **High Quality Service**
- **High Morale in our Workplace**
- **Education and Public Awareness**

The relationship between the Vision, Goals, and Objectives for the Office of the Ombudsman is shown in the table below. In some cases more than one objective supports a particular goal and in other cases a single objective supports more than one goal.

On the following pages the strategies identified to achieve each of the Objectives are listed along with the key Performance Measures. Although it is difficult to identify performance measures that indicate directly whether or not the Vision is being achieved, two such measures have been identified and are shown at the end of this section.

VISION: ***Fairness and Accountability in Public Administration In British Columbia***				
OBJECTIVES	**GOALS**			
	Thorough & Impartial Investigations	**High Quality Service**	**High Morale In Our Workplace**	**Education & Public Awareness**
Broaden and enhance our understanding of Ombudsmanship and develop and implement actions to achieve high quality service on a continuous basis	**X**	**X**		
Refine our approach to the investigation and resolution of complaints	**X**	**X**		
Manage workload in the most efficient and fair manner possible, having regard for our statutory mandate and available resources		**X**	**X**	
Promote high morale in the workplace through effective communication and adherence to our Guiding Principles		**X**	**X**	
Broaden the public profile and improve external understanding of the role of the Ombudsman and administrative fairness through well-planned initiatives directed towards both the public and authorities			**X**	**X**

A comprehensive set of Performance Measures has been developed covering all components of the office. The measures and targets identified in the following tables are a subset and represent the key measures. However, data gathering will be carried out on all the measures and reporting of results will occur in the annual reports for the office.

Objective 1

To broaden and enhance our understanding of Ombudsmanship and to develop and implement actions to achieve high quality service on a continuous basis.

Strategies

- Establish performance measures for investigative work and administrative and support components of the office.
- Continue development and update of policies and procedures.
- Carry out and document review of work.
- Conduct and document regular performance reviews and prepare work plans.
- Enhance the quality and content of training.
- Encourage all individuals and teams to take responsibility in the training process through self-training, courses and development of materials.
- Continue training of all staff on issues of equality, diversity and accessibility.
- Establish and support consultation with colleagues in other Ombudsman offices.
- Develop a training package on administrative fairness and investigative skills.

Performance Measures & Targets

Measure	Value (Target)	Actual Performance
Performance measures are established and reviewed on an annual basis.	Yes	Yes
Policy and Procedures for key processes are in place and up to date	Yes	Yes
Performance assessments are carried out on a routine basis.	Yes	Partly
Percentage of complainants giving our office a rating of "satisfied" in relation to the process of investigation of their complaint. ***Note 1.***	> 85%	Note 2.
Percentage of authorities giving our office a rating of "satisfied" in relation to the process of investigation of complaints against them. ***Note 1.***	>85%	Note 2.
Percentage of people using the services of the office who are satisfied with access capability by phone, fax, web, etc.	>90%	Note 2.

Note 1. *These measurements are intended to focus on satisfaction with the investigation process and will be designed to attempt to isolate the influence of any disagreement with the investigation findings. Also the measurement will include factors that contribute to overall "satisfaction" such as courtesy, timeliness, communication, etc.*

Note 2. These performance measurements were surveyed by BC Stats in 2003 using data for 2002. The results have previously been reported in the Fiscal 2005-07 Service Plan which can be viewed at www.ombudsman.bc.ca on the office's website. Another survey of these performance measures may be carried out in 2005 if sufficient funds are available.

Objective 2

To refine our approach to the investigation and resolution of complaints.

Strategies

- Enhance our understanding of investigative techniques through research, discussion, practice, and sharing of information about investigations and approaches to them.
- Define and develop investigative approaches that identify the underlying factors that cause unfairness, in addition to a focus on the resolution of individual complaints.
- Promote improvement of skills through development of materials and provision of training.

Performance Measures & Targets

Measure	Value (Target)	Actual Performance
Training and development opportunities are provided	Yes	2004 YTD - $25,443 direct costs for course registration and training related travel costs. Associated Salary Costs - $18,335
Staff are encouraged to enhance their individual skills	Yes	2004 YTD –staff have participated in 56 person training days

Objective 3

To manage workload in the most efficient and fair manner possible, having regard for our statutory mandate and available resources.

Strategies

- Improve caseload management and related case review and develop workload standards.
- Discuss and develop policy on the exercise of discretion under section 13 of the ***Ombudsman Act*** when determining whether or not to investigate a complaint.
- Provide time management training.
- Develop policy regarding secondment opportunities and filling temporary vacancies.
- Continue enhancement of the Case Tracker System and other computer support systems.

Performance Measures & Targets

Measure	Value (Target)	Actual Performance	
		2003	2004 YTD
Average cost per complaint Investigated. ***Note 3***	Average inflation adjusted cost is steady or decreasing	$1,971 ***See Note 4.***	$2,083 (projected) ***See Note 5.***
Percentage of complaint files closed within 90 days of opening.	70%	83%	82%
Percentage of complaint files closed within 180 days of opening.	85%	91%	91%
Percentage of complaint files closed within 1 year of opening.	90%	96%	96%
Percentage of complaint files closed within 2 years of opening.	95%	98%	99%
Percentage of complaint files closed within 3 years of opening.	100%	99%	99.7%
Percentage of open complaint files more than 1 year old at the end of the specified calendar year.	2002 – less than 20% 2003 – less than 15% 2004 – less than 10%	23.5% 16%	9%

Note 3*. In association with the performance measure reflecting the trend on the average cost per complaint investigated; an ancillary indicator will be calculated that will show the contingent cost associated with future investigation of backlogged complaint files.*

Note 4. A baseline year of 2000 was chosen based on available data. The cost per investigation in 2000 was $1,861. In 2001 the cost was $1,687 and in 2002 it was $1788. All costs have been adjusted for inflation to year 2000 dollars. Complaints investigated include files closed by investigators with investigation plus 30% of files closed without investigation, plus 10% of files closed by Intake Complaints Analysts.

Note 5. The contingent cost associated with potential future investigation of backlogged complaint files is estimated to be $887,000 based on an extrapolated number of complaint files (365) that have been declined since January 1, 2003 or are in the holding queue (net of 51) since January 1, 2004 as a result of the budget related reduction in investigative capacity

Objective 4

To promote high morale in the workplace through effective communication and adherence to our Guiding Principles.

Strategies

- Review our Employment Equity Plan.
- Encourage acknowledgement of each other's efforts.
- Provide more public, office or team recognition of employees' achievements.
- Consult with staff about the need for an internal staff grievance procedure.
- Clarify expectations about workload and performance standards.
- Encourage staff development opportunities within the office.
- Offer variation in tasks, duties and/or responsibilities.
- Recognize existence of stress and provide support in dealing with its negative effects.
- Develop policy regarding secondment opportunities.

Performance Measures & Targets

Measure	Value (Target)	Actual Performance
Percentage of staff who rate themselves as satisfied with their job and work environment.	>95%	Note 6.
Staff lost time due to illness or injury.	At or below the average for the BC Public Service.	2004 YTD – 4.86 days/employee Public Service YTD average 9.79 days/employee

Note 6. This performance measurement was surveyed by BC Stats in 2003. The results have previously been reported in the Fiscal 2005-07 Service Plan which can be viewed at www.ombudsman.bc.ca on the office's website. Another survey may be carried out in 2005 if sufficient funds are available.

Objective 5

To broaden the public profile and improve external understanding of the role of the Ombudsman and administrative fairness through well-planned initiatives directed towards both the public and authorities.

Strategies

- Post all public reports on our website.
- Increase opportunities for citizens to meet with the Ombudsman in their local communities.
- Provide information about available remedies on our Internet website.
- Promote and support establishment of a team-focused strategy to meet with authorities, at all levels, to discuss with and inform them about the role of the Office of the Ombudsman and administrative fairness.
- Update and maintain multilingual brochures.
- Review the office's communications strategy.

Performance Measures & Targets

Measure	Value (Target)	Actual Performance
Percentage of people randomly surveyed who are aware of the Office of the Ombudsman.	Increases with each survey	Note 7.

Note 7. This performance measurement was surveyed by BC Stats in 2003. The results have previously been reported in the Fiscal 2005-07 Service Plan which can be viewed at www.ombudsman.bc.ca on the office's website. Another survey may be carried out in 2005 if sufficient funds are available.

Vision

Fairness and Accountability in Public Administration In British Columbia

Performance Measures & Targets

Measure	Value (Target)	Actual Performance	
		2003	2004 YTD
Number of Investigations where the Authority refuses to accept the recommendations of the Office of the Ombudsman.	0	2	1
Number of complaint investigations that lead to a positive change in practice, policies, statutes, or regulations by authorities.	*	124	91

* *A target value cannot be set for this measure as the outcome varies with the type of complaints being investigated and it would be inconsistent with the need for unbiased investigations to set an arbitrary target. However, this measure is considered to be a useful indicator of the influence of the Ombudsman's recommendations on changes to the policies and practices of authorities.*

E. RELATED INITIATIVES AND PLANNING PROCESSES

Information Resource Management Plan

The Office of the Ombudsman maintains its own internal Information Systems capability for security and confidentiality reasons as required under the ***Ombudsman Act***. The hardware and software utilized is consistent with current government standards and is acquired using government purchasing Master Standing Offers if possible.

A business analysis is currently being conducted into the costs and options for improving telecommunications for the office (and also for the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner) using Voice over IP technology. This technology would offer much improved access to the public in the complaint Intake Process as well as improve communications ability between our Telecommuting staff and their colleagues in Victoria. If a decision is made that it would be desirable to implement this technology, a request will be brought to the committee for one time increased capital funding in the order of $150,000 and the necessary operating funds to amortize this capital investment ($50,000 per year for three years).

Hardware and software is replaced on a routine 3-year cycle with approximately 1/3 of the equipment being replaced each year in order to maintain reliability and performance requirements.

The Office of the Ombudsman Systems staff now provides systems support to the Office of the Information and Privacy Commissioner and the Office of the Police Complaint Commissioner. This support is being provided under a shared services agreement.

Human Resource Management Plan

The Office of the Ombudsman has not developed a separate Human Resource Management Plan. Rather the objectives, strategies, performance measures and targets related to Human Resource Management are integrated with the overall Strategic Plan for the office. This is because Human Resource Management is not Goal or Core Business Area that stands on its own but it is a crucial component in any strategic plan for an organization.

APPENDICES

Appendix A – Schedule of Authorities

1 Ministries of the government.

2 A person, corporation, commission, board, bureau or authority who is or the majority of the members of which are, or the majority of the members of the board of management or board of directors of which are,

(a) appointed by an Act, minister, the Lieutenant Governor in Council,
(b) in the discharge of their duties, public officers or servants of the government, or
(c) responsible to the government.

3 A corporation the ownership of which or a majority of the shares of which is vested in the government.

4 Municipalities.

5 Regional districts.

6 The Islands Trust established under the *Islands Trust Act.*

7 Improvement districts as defined in the *Municipal Act.*

8 The Capital Improvement District under the *Capital Commission Act.*

9 Boards, committees, commissions or similar bodies established under the *Municipal Act* or *Vancouver Charter;*

10 The Resort Municipality of Whistler and the Whistler Resort Association.

11 A local trust committee, the Trust Council, the Trust Fund Board and the executive committee and persons to whom their powers are delegated under the *Islands Trust Act.*

12 Library boards defined in the *Library Act.*

13 Regional parks boards established under the *Parks (Regional) Act* and the Cultus Lake Park Board.

14 A greater board as defined in section 872 of the *Municipal Act.*

15 Development districts, water users' communities, comptroller and regional water manager under the *Water Act.*

16 The commissioners of a district defined in section 58 of the *Drainage, Ditch and Dike Act* and an engineer, commissioner, inspector of dikes or land settlement board acting under that Act.

17 The British Columbia Diking Authority and a diking authority under the *Dike Maintenance Act.*

18 The Okanagan Kootenay Sterile Insect Release Board.

19 Regional transit commissions established under the *British Columbia Transit Act.*

20 A corporation

(a) more than 50% of the issued voting shares of which are owned by one or more of the authorities listed in section 4 to 19 or this section, or

(b) that is controlled by one or more of the authorities listed in section 4 to 19 and, for the purpose of ascertaining control, a corporation is controlled by one or more of these authorities if a majority of the members of the corporation or of its board of directors or board of management consists of either or both of the following:

(i) persons appointed as members by the authorities;

(ii) officers or employees of an authority acting as such.

21 Schools and boards as defined in the *School Act.*

21.1 Francophone education authorities as defined in the School Act and francophone schools operated by francophone education authorities.

22 Universities as defined in the *University Act.*

23 The University of Northern British Columbia.

24 Royal Roads University.

25 Institutions as defined in the *College and Institute Act.*

26 Hospitals and boards of management of hospitals as defined in the *Hospital Act.*

27 Governing bodies of professional and occupations associations that are established or continued by an Act.

28 Regional Health Boards and Community Health Councils established under the *Health Authorities Act.*

29 Regional Hospital Districts under the *Hospital District Act.*

30 Technical University of British Columbia.

31 The Greater Vancouver Transportation Authority established under the Greater Vancouver Transportation Authority Act.

32 The Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act.*

(n.n.) Municipal Pension Board of Trustees.

(n.n.) Teachers' Pension Board of Trustees.

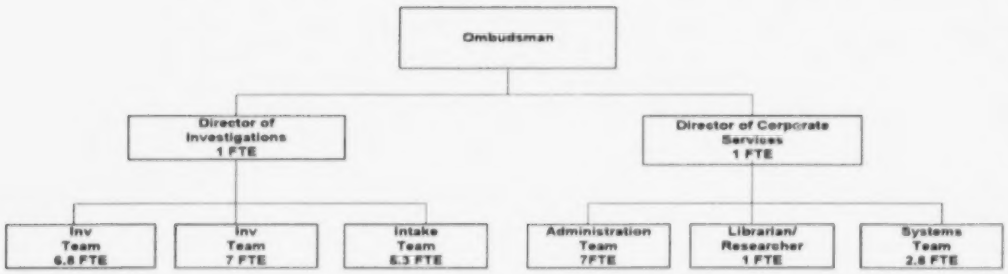
(n.n.) Public Service Pension Board of Trustees.

(n.n.) College Pension Board of Trustees.

Appendix B – Budget Details

STOB	DESCRIPTION	2004/05 Restated Estimates	2005/06 Core Services	2005/06 One-time	2005/06 Total Estimates	2006/07 Plan	2007/08 Plan
50	SALARIES	$1,935,000	$ 1,965,000	$ 139,000	$ 2,104,000	$1,965,000	$ 2,064,000
51	SUPPLEMENTARY SALARY	$ 15,000	$ 15,000	$ -	$ 15,000	$ 15,000	$ 15,000
52	EMPLOYEE BENEFITS	$ 485,000	$ 521,000	$ 34,000	$ 555,000	$ 521,000	$ 521,000
54	OFFICER OF LEG.SALARY	$ 175,000	$ 175,000	$ -	$ 175,000	$ 175,000	$ 175,000
57	TRAVEL	$ 30,000	$ 38,000	$ 10,000	$ 48,000	$ 38,000	$ 38,000
59	CENTRAL MGM'T SERVICES	$ 60,000	$ 80,000	$ 5,000	$ 85,000	$ 80,000	$ 80,000
60	PROFESSIONAL SERVICES	$ 55,000	$ 65,000	$ -	$ 65,000	$ 65,000	$ 65,000
63	INFO SYSTEMS - OPERATING	$ 30,000	$ 35,000	$ 5,000	$ 40,000	$ 35,000	$ 35,000
65	OFFICE & BUSINESS EXPENSES	$ 69,000	$ 74,000	$ 11,000	$ 85,000	$ 74,000	$ 74,000
67	INFO ADVERTISING & PUBLICATIONS	$ 10,000	$ 10,000	$ 20,000	$ 30,000	$ 10,000	$ 10,000
68	STATUTORY ADVERTISING & PUBLICATIONS	$ 8,000	$ 15,000	$ -	$ 15,000	$ 15,000	$ 15,000
69	UTILITIES, MATERIALS, SUPPLIES	$ 15,000	$ 20,000	$ -	$ 20,000	$ 20,000	$ 20,000
70	OPERATING EQPT & VEHICLES	$ 7,000		$ -			
73	AMORTIZATION EXPENSE	$ 55,000	$ 65,000	$ -	$ 65,000	$ 65,000	$ 65,000
75	BUILDING OCCUPANCY	$ 218,000	$ 226,000	$ -	$ 226,000	$ 226,000	$ 226,000
88-90	RECOVERIES	$ (70,000)	$ (140,000)	$ -	$ (140,000)	$ (140,000)	$ (140,000)
TOTAL		$3,097,000	$ 3,164,000	$ 224,000	$ 3,388,000	$3,164,000	$ 3,164,000
	CAPITAL BUDGET						
Capital	Information Systems & Furn&Equip	$ 65,000	$ 65,000		$ 65,000	$ 65,000	$ 65,000

Appendix C – Organization Chart

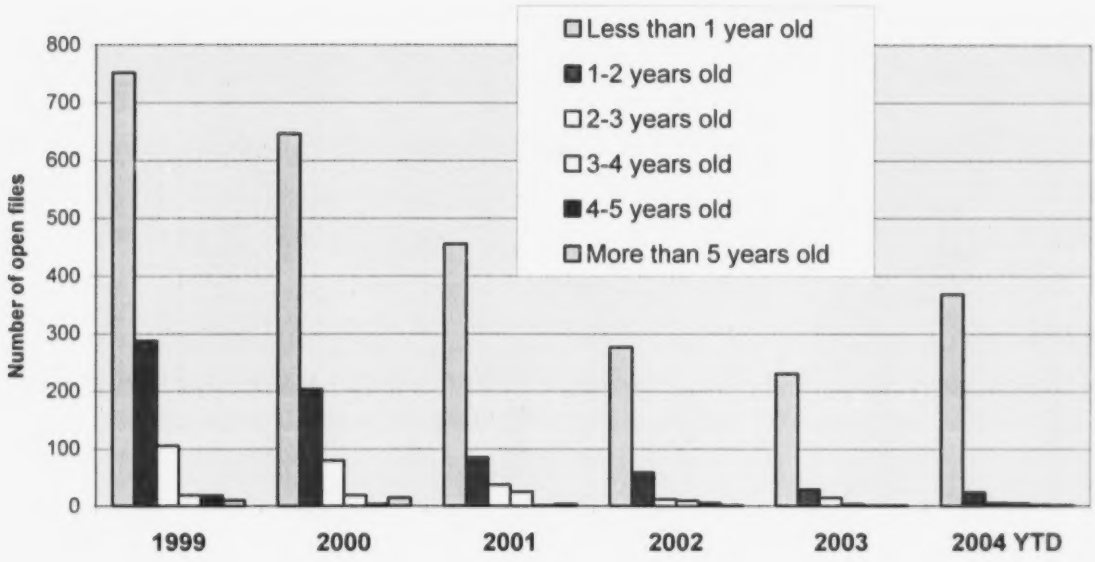


32 FTEs

The Director of Corporate Services and the staff in the Administration Team, Systems Team and the Librarian also provide support services to the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner pursuant to shared services agreements with those offices.

Appendix D – File Statistics – 2004 Year to Date

Age Distribution of Open Files

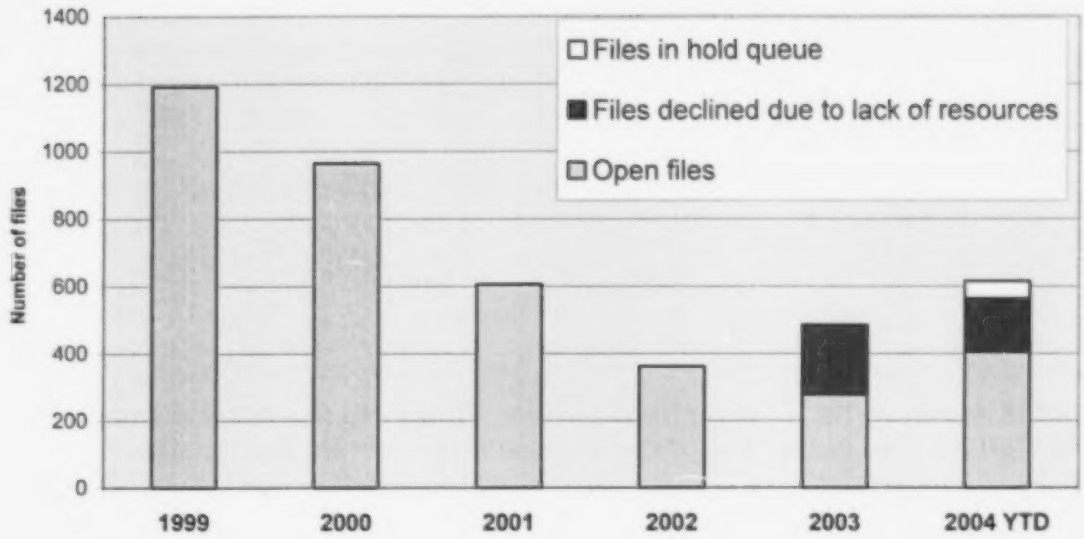


Number of files open at the end of each year

	1999	%	2000	%	2001	%	2002	% *	2003	% *	2004 YTD	% *
Less than 1 year old	752	▸63%	646	▸67%	455	▸75%	276	▸76%	230	▸83%	368	▸91%
1-2 years old	287		203		84		58		29		24	
2-3 years old	105		79		37		12		14		5	
3-4 years old	19	▸37%	19	▸33%	25	▸25%	9	▸24%	3	▸17%	4	▸9%
4-5 years old	18		3		1		5		1		2	
More than 5 years old	10		14		3		1		1		1	
Total open files	**1,191**		**964**		**605**		**361**		**278**		**404**	

* Performance Measure introduced September 2002 set an objective to have less than 20% of open files more than 1 year old as of 2002 and less than 15% more than 1 year old as of 2003 and less than 10% more than 1 year old as of 2004.

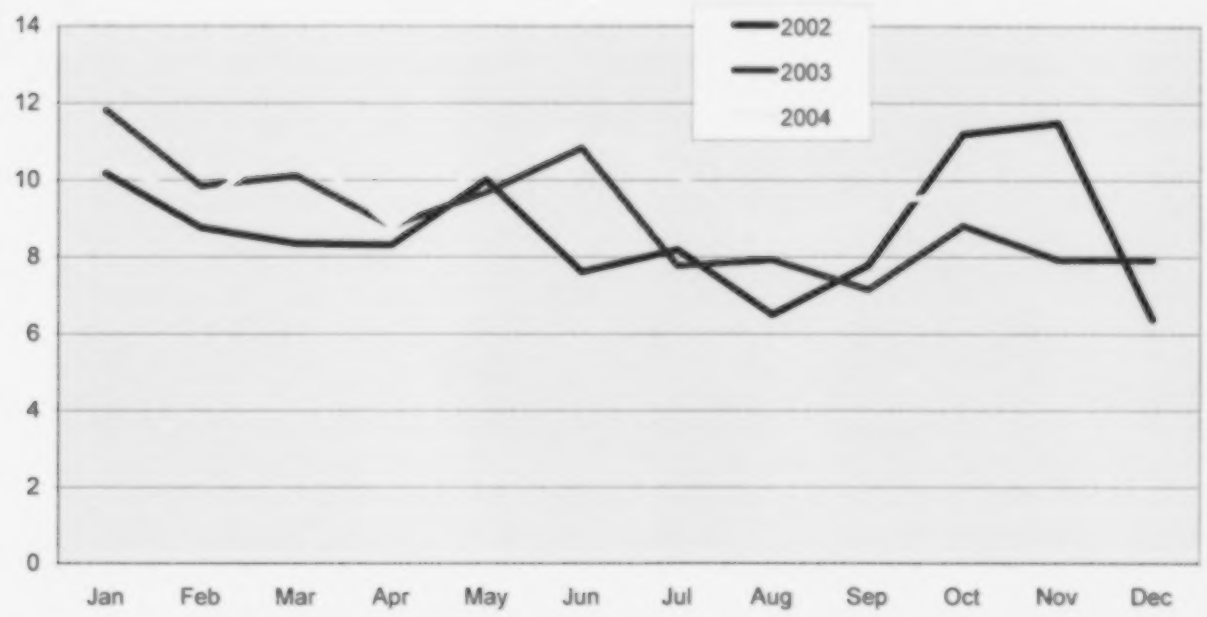
Open and Deferred Files



Number of files at the end of each year

	1999	2000	2001	2002	2003	2004 YTD
Open files	**1,191**	**964**	**605**	**361**	**278**	**404**
Files in hold queue	0	0	0	0	0	51
Files declined due to lack of resources	0	0	0	0	206	159

Avg. New Files Assigned to Investigators Per Month



Appendix E – Description of Ombudsman Office Videos

Ombudsman
BRITISH COLUMBIA

Promoting Fairness for British Columbians

OMBUDSMAN OFFICE VIDEOS

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Fairness for BC

The Ombudsman, Howard Kushner, discusses the role of the Office of the Ombudsman. Information is provided on the types of complaints that the Ombudsman can investigate and the investigation process.

Forest Renewal BC

Forest Renewal BC (FRBC) initiated the Forest Worker Transition Program (FWTP) in September 1996 to fund services that would enable displaced forest workers to develop the skills necessary to find new jobs. The program provided participants with the income and training supports, both of which turned out to be taxable. The Office of the Ombudsman received a significant number of complaints alleging that FRBC either advised participants that the funding was not taxable, or failed to properly inform participants of the possible tax implications. The Ombudsman's investigation resulted in substantial findings of unfairness against FRBC.

Bridge to Westham Island

A woman complained that the bridge maintenance work was resulting in bridge closure during times when she required access to return home from her place of employment. Although the bridge remained open to pedestrian traffic, the closure required that the woman vacate her vehicle on one side of the bridge, walk across the bridge and then walk a considerable distance to her home late at night. The Ombudsman's Office was contacted to resolve the matter.